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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/773,102
Filing Date: January 31, 2001
Appellant(s): MARTIN ET AL.

Stephen A. Terrile
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/5/08 appealing from the Office action mailed 5/22/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4799156	Shavit et al.	1-1989
GB 2336003 A	Goss	6-1999

(9) Grounds of Rejection

The following ground(s) of rejection were presented in the Final Office action mailed 5/22/08 and are applicable to the appealed claims:

Claims 1 and 3-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goss (GB 2336003) in view of Shavit et al. (US Patent 4,799,156).

(Regarding claims 1, 7, 8, 13 and 14) Goss discloses the claimed methods for a manufacturer to order material/assemble or manufacture a computer system, comprising:

sending electronically an order for a quantity of material to kitting unit to receive the order (for example see p. 4 lines 24+ where a list of needed components/material is provided to a kitting operator, or "ordered", to be prepared);

wherein the material is not ordered until the manufacturer realizes a demand, wherein the manufacturer realizes the demand for the material after orders are received from customers (the list of needed components/material is not presented to the kitting

operator until after the customer's order is received, for example see p. 4 lines 4+), fulfilling the orders requires assembling products (p. 3 lines 23+ discusses meeting customers demands by building to order), and assembling the products requires the material (p. 5 lines 1+ assembly of the ordered computer system requires the selected computer system components);

(additional for claims 7 and 13) assembling the computer system at the assembly facility from the material (p. 5 lines 1+ assembly of the ordered computer system at work cells requires the selected computer system components received at the work cell);

Goss discloses that materials/components are ordered from warehouses and/or delivered just in time (see p. 9 lines 16+ disclosing trucks delivering components just in time), **but is silent regarding the following method steps:**

considering a quantity of a material, available from a plurality of suppliers via a computer system;

considering a quantity of a material available from a plurality of supplier logistics centers via a computer system,

identifying a supplier or a supplier logistics center to receive an order for the material based upon the considering the quantity of material available from the plurality of suppliers and the considering the quantity of materials available from the plurality of supplier logistic centers; and

sending electronically an order for a quantity of material to the supplier or supplier logistics center identified to receive the order.

Shavit et al. discloses that it is old and well known in the art of inventory supply. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the just-in-time method of supplying materials and manufacturing computers of Goss with the on-line ordering involving considering of quantities available from suppliers and distributors of Shavit et al., in order to provide fast, efficient and automated means for procuring desired materials/components. Examiner notes that in this modified scenario just-in-time truck deliveries would be ordered via the product ordering system of Shavit et al. when customer orders are submitted.

(Regarding claims 3, 9 and 15) when the order for the material is sent electronically to a supplier logistics center, the supplier logistics center previously received the material from a supplier. The distributors taught by Shavit et al. inherently receive material from suppliers.

(Regarding claims 4, 10 and 16) where the manufacturer takes title to the material after the material is shipped by the supplier. Inherently the manufacturer takes title to the material sometime after the material is shipped as the manufacturer is purchasing the items.

(Regarding claims 5, 11 and 17) where the order requires delivery within a specified time period. Goss discloses where orders/ product components are delivered at specified times (for example, see claim 5).

(Regarding claims 6, 12 and 18) Regarding where the order specifies delivery of the material within a specified time period of less than one day, Examiner takes Official Notice that it is notoriously old and well known in the art of supply chains to

provide needed items on an expedited schedule such as immediate delivery within a day so that manufacturers can have the needed items quickly or just-in-time.

(10) Response to Argument

Appellant argues that neither Goss nor Shavit disclose a manufacturer ordering material until the manufacturer realized a demand, where the manufacturer realizes the demand for the material after orders are received from customers.

Goss discloses on page 4 that a list of needed components/material is not presented to the kitting operator until after the customer's order is received. Examiner construes that the manufacturer of Goss realizes the demand for the material after the order is received and it is determined what components are necessary for the order and looks to obtain them to make the product. Page 9 further discloses that components may be received via a truck delivering components "just in time". Examiner construes the definition of "just-in-time" to encompass a production and inventory method where materials are ordered and delivered from a supplier to a production site as they are needed. Examiner notes that the list of components inherently includes a quantity for each component.

Appellant argues that neither Goss nor Shavit, taken alone or in combination, disclose or suggest sending electronically an order for the particular material to the supplier or supplier logistics center identified to receive the order.

The Examiner has used Shavit et al to teach that it is old and well known in the art of inventory supply chains for buyers to communicate electronically, via a computer system, with suppliers and distributors (construed as "supplier logistics centers") to determine which suppliers and/or distributors/"logistics centers" can meet the buyers needs for inventory items in order to provide buyer's with a fast, efficient and automated mode of procuring needed items. Therefore it would have been obvious to modify Goss to have electronic communications between the system of Goss and its suppliers and distributors/"logistics centers" in order to provide fast and efficient automated means for procuring desired components.

Appellant argues that neither Goss nor Shavit, taken alone or in combination, disclose or suggest identifying a supplier or a supplier logistics center to receive an order for the material based upon the considering the quantity of material available from the plurality of supplier logistic centers, and considering the quantity of materials available from the plurality of supplier logistic centers, and sending electronically an order for the particular material to the supplier or supplier logistics center identified to receive the order.

The Examiner has used Shavit et al. to teach that it is old and well known in the art of inventory supply chains for buyers to identify a supplier or "supplier logistics center" (distributors) to receive an order for a material based on considering the quantities of material available from a plurality of suppliers or "supplier logistics center" (distributors) and electronically sending an order for the material to the supplier or supplier logistics center identified to receive the order. Shavit's buyers communicate

with suppliers and distributors via request for quotes to obtain bids (column 13, lines 10+), which Examiner construes to inherently include quantities as it would not be possible to present a quote for requested items without providing a quantity, without a quantity a price means nothing (additionally, if a supplier does not have the product, such as has discontinued the item, then they would not provide a quote).

Examiner notes that in this modified scenario, to provide clarification, the following hypothetical is provided, the system of Goss sends a request for quote to several suppliers and distributors, these requests include the component list information of Goss that includes quantities of needed components, the suppliers and distributors provide bids for the requested components and then a supplier or distributor is selected and an order is submitted.

Therefore it would have been obvious to modify Goss to have electronic communications between the system of Goss and its suppliers and distributors/"logistics centers" in order to provide fast and efficient automated means for procuring desired components.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Elaine Gort/

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February 28, 2009